EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Neil Sudol on March 2, 2010.

The application has been amended as follows:

Claims 22-24, 27-28, 34-37, 40-41 and 43 are **CANCELED**.

Claim 50. A flexible endoscope comprising a flexible elongate insertion shaft incorporating an image-carrying component and having a circumference, said insertion shaft being formed with at least one longitudinally extending substantially circular channel, said channel including a longitudinal slot contiguous with an outer surface of said insertion shaft, said slot having a transverse dimension smaller than any diameter of said channel; a closure member configured to close said channel, said closure member being an elongate strip formed with a pair of parallel longitudinal edges configured to attach to respective opposing edges of said longitudinal slot of said insertion member, at least one of said closure member and said insertion shaft being provided with a groove, the other of said closure member and said insertion shaft being insertable into said groove to removably attach said closure member to said insertion shaft, said closure member completing the circumference of said insertion member.

Claim 51. A flexible video endoscope comprising a flexible elongate insertion shaft incorporating a video-image-carrying component and having a circumference, said insertion shaft being formed with at least one longitudinally extending substantially circular channel, said channel including a longitudinal slot contiguous with an outer surface of said insertion shaft, said slot having a transverse dimension smaller than any diameter of said channel; a closure member configured to close said channel, said closure member being an elongate strip formed with a pair of parallel longitudinal edges configured to attach to respective opposing edges of said longitudinal slot of said insertion member, at least one of said closure member and said insertion shaft being provided with a groove, the other of said closure member and said insertion shaft being insertable into said groove to removably attach said closure member to said insertion shaft, said closure member completing the circumference of said insertion member.

The following is an examiner's statement of reasons for allowance: The prior art does not teach or fairly suggest the apparatus as recited in independent claim 30 of the instant invention comprising, *inter ailia* a flexible endoscope comprising a flexible elongate insertion shaft formed with a channel including a longitudinal slot contiguous with an outer surface of the shaft, wherein the slot has a smaller transverse diameter of the channel and an elongate strip closure member attached to opposing edges of the slot via a groove provided along either the shaft or the elongate strip.

Zeitels (U.S. Patent No. 6,955,645) Zeitels discloses a flexible video endoscope comprising a flexible elongate insertion shaft 100 having a circumference (see Figs. 11-

13), the insertion shaft being formed with at least one longitudinally extending substantially circular channel 104, the channel including a longitudinal slot contiguous with an outer surface of the insertion shaft, the slot having a transverse dimension smaller than any diameter of the channel (see Figs. 5-6 and 10); a closure member 106 configured to close the channel, the closure member being an elongate strip formed with a pair of parallel longitudinal edges configured to attach to respective opposing edges of the longitudinal slot of the insertion member (see Figs. 9a-b), the closure member completing the circumference of the insertion member (see Col. 8, Lines 50-55). Zeitels disclose that lumen 104 provides visualization into a body cavity therethrough but is silent with respect to an image-carrying component or video component incorporated therein. Rather the apparatus of Zeitels simply provides visualization though opening 103 in the distal end of 113. Furthermore, Zeitels is silent with respect to wherein at least one of said closure member and said insertion shaft being provided with a groove, the other of said closure member and said insertion shaft being insertable into said groove to removably attach said closure member to said insertion shaft. Thus, Zeitels fails to meet the limitations of independent claims 50-51 of the instant invention.

Crawford (U.S. Patent No. 5,944,654) discloses a flexible endoscope comprising a flexible elongate insertion shaft 14, the insertion shaft is formed having an outer surface with at least one longitudinally extending channel 20 having a first transverse dimension or diameter, the channel having a longitudinally extending slot through the outer surface, the slot 24 having a second transverse dimension or width,

the second transverse dimension or width being smaller than the first transverse dimension or diameter (see Col. 3, Lines 49-54), further comprising at least one closure member removably connected to the insertion shaft to close the slot, the insertion shaft being formed with a pair of opposing edges along the slot, the closure member being removably attached to the insertion shaft at the edges (see Figs. 1-2 and Col. 4, Lines 45-65). However, the closure member 30 of Crawford is not an "elongate strip" formed with a pair of parallel longitudinal edges that are configured to "attach" to opposing edges of the longitudinal slot via a groove provided in either the closure member or the shaft as recited in independent claims 50-51 of the instant invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. KASZTEJNA whose telephone number is (571)272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew J Kasztejna/
Primary Examiner, Art Unit 3739

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